

1909-050 Chancery Causes: Etta Rigoby vs. Peter Rigoby
Lee Co.

Long, Britton

CA-Divorce
T-Migration

Etta Rigsby, Plaintiff,
vs.

Peter Rigsby, Defendant.

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for
Lee County, Virginia.

Your complainant, Etta Rigsby, respectfully represents:

That on the ____ day of _____, 19____, (about five years
ago), your ~~xxxxxxx~~ complainant was lawfully married in Harlan
County, Kentucky, to Peter Rigsby; and,

That continuously for a period of several months, to-wit, for
a period of six months, your complainant and the said Peter Rigsby
lived together as man and wife near Rose Hill, Lee county, Va.; and,

That the said Peter Rigsby has wilfully deserted and abandoned
your complainant for a period of more than three years; that on the
_____ day of _____, 19____, the said Peter Rigsby did,
wilfully, voluntarily, and without any justification whatever, leave
your complainant; that before he left your complainant he beat her
and whipped her cruelly and unmercifully and declared his intention
of leaving your complainant and never returning to live with her;
that said Peter Rigsby did so leave and abandon your complainant
and she has never heard of or had any communication with him since
that date; and that she does not now know whether he is dead or
alive, or where he is, if alive; and,

That your complainant has resided and has been domiciled in
Lee County, Va., ever since said marriage, and for a period of
more than one year next preceeding the commencement of this suit,
and is now domiciled and now resides in Lee County, Va.; and,

That your complainant last cohabited with the said Peter
Rigsby near Rose Hill, Lee Co., Va. ~~xx~~:

In consideration whereof, and ~~xxxx~~ forasmuch as your complain-
ant is remediless in the premises save in a court of equity, your
complainant prays that the said Peter Rigsby may be made a party
defendant to this bill, and required to answer the same, but not
under oath, the oath being hereby waived; that proper process may
be issued; that a divorce from the bond of matrimony which was create
et by the said marriage be decreed her; and that your complainant

2.

may have all such further, and other, and general relief in the premises as the nature of her case may require, or to equity shall seem meet.

Etta Rigsby,

By counsel.

R.. E. L. Chumbley & C. C. Bales, P.q.

Elta Rigby,
vs. f Bill

Peter Rigby

1909 2nd Apr. Rules
Bill filed & Conts
for O.P.

" 1st May Rules
O.P. completed &
cause set for
hearing.

Costs:

Clerk \$4.50

Tax 1.50

atty 15.00

Printer

Comm.

Etta Rigsby, Plaintiff,

vs.

)Decree.

Peter Rigsby, Defendant.

This day came this cause to be heard upon the complainant's bill, and the other pleadings filed therein; the depositions taken before W. K. Hopkins, a Commissioner in Chancery for the Circuit Court of Lee Co., Va., and filed herein: and was argued by counsel.

On consideration whereof, and it appearing to the court xxxx independently of the admissions of either party in the pleadings or otherwise, that the said parties were lawfully married; that zafter the said marriage and more than three years prior to the institution of this suit the said Peter Rigsby did, wilfully, and without just cause, desert and abandon the said Etta Rigsby, his wife; that the said Etta Rigsby and Peter Rigsby have not lived together since said desertion and abandonment as man and wife; that the said Ettae Rigsby last co-habited in Lee County, Va.; that the said Etta Rigsby has resided and been domiciled in Lee County, Va., for more than one year next preceding the commencement of this suit: the court doth adjudge, order and decree that the said Etta Rigsby and Peter Rigsby be divorced from the bond of matrimony which was created by the said marriage, and that the said marriage be, and the same is, dissolved and annulled.

And it is ordered that the said Etta Rigsby shall pay the costs attached to bringing this suit; and, nothing further remaining to be done in this suit, it is ordered that, upon the payment of the costst hereto attached by the said Etta Rigsby, the same be removed from the docket.

Etta Rigoby

no -

Peter Rigoby

Entered
Haw Street
4-4-1909

Entered in Colls.
I. page 474.

The depositions of Etta Rigsby, Mina Long and Ewell Britton taken before me W.K.Hopkins, a Commissioner in Chancery for the Circuit Court of Lee County, Virginia, on the 23, day of April, 1909, at the office of Charles C. Bales, at Pennington Gap, Lee County, Virginia, to be read as evidence on behalf of the Plaintiff in a certain suit now pending in Lee County, Virginia, in which Etta Rigsby is Plaintiff and Peter Rigsby is defendant.

Present for plaintiff R.E.L.Chumbley and Charles C. Bales; no one for the defendant.

Etta Rigsby a witness of lawful age after first being duly sworn deposes as follows:

Q.I.- Give your name, age and place of residence?

Ans.- Etta Rigsby, 22 years of age and live at Rose Hill, Virginia.

Q.- How long have you been a resident of Lee County?

A.- Have lived here about ten years.

Q.- Are you the Etta Rigsby who is named as plaintiff in a certain suit for divorce now pending in Lee County, Virginia, in which Peter Rigsby is defendant?

A. - Yes.

Q.- Please state where you were married to the said Peter Rigsby and whether or not you are now living together as man and wife?

A. - ~~Answer~~ I was married to Peter Rigsby across in Harlan County, Kentucky about five years ago.

Q.- Are you now living together as man and wife?

A.- No sir.

Q.- State how long it has been since you and the said Peter Rigsby lived together as man and wife and where the said Peter Rigsby now lives, if you know, and whether you have at any time since that time lived with him as his wife or had any communicat

tion with him?

A. - We ^{stopped living} lived together as man and wife about four and half years ago; don't know where he is now. I havent had any communication with him since he left.

Q.- State the circumstances under which you and the said Peter Rigsby ceased to live together as man and wife; and what atatements, if any, he made at the time he left?

A.- About two weeks before he left me he whipped me and after whipping me he told me he was going to leave me. I have not heard from him since he left me. I lived with my mother after he left me. We were living then at Rose Hill in Lee County.

And further this deponent sayeth not.

Etta^{her} *Rigsby*
man

Mima Long, another witness of lawful age, who first being duly sworn deposes and says:

Q. - Please state your name, residence and age?

A. Mima Long. Rose Hill. 43 years old.

Q.- State whether or not you are acquainted with Etta Rigsby the plaintiff in this suit and Peter Rigsby the defendant? and if you are how long have you been acquainted with them?

A. I am. I have been acquainted with Etta Rigsby all my life and have been acquainted with Peter Rigsby nearly five years.

Q. - Do Etta Rigsby and Peter Rigsby now live together as man and wife?

A. - No sir.

Q. - If you know please state how long it has been since they lived together as man and wife?

A.- It will be five years sometime this summer since they lived together, I do not remember just what time this summer.

Q.- Have you ever heard of them living together as man

and wife since that time?

A.- No I know they havent been living together as man and wife as I have been living with Etta ever since he left her.

Q.- Please state the circumstances in which they ceased to live together as man and wife?

A.- Peter never did act like he cared any thing of her. I saw him whip her a short time before he left her. He left her in a little while after he ^{whipped} left her and I have never heard from him since. Etta was good to him and I do not know any reason he could have had for leaving her.

And further this deponent sayeth not.

Missa ^{her} Long
man

Britton

Ewell Riggsby another witness of lawful age who first being duly sworn, deposes and says:

nam e,

Q.- State your age, residence and occupation?

A.- Ewell Britton. About 23. I live at Rose Hill and my occupation is farming.

Q.- State whether you know Etta Riggsby and Peter Riggsby and how long you have known them, if you know?

A.- I have known them four or five years.

Q.- Do they now live together as man and wife?

A. No sir-

Q.- How long has it been since they lived together as man and wife?

A.- It has been four or five years.

Q.- Have they to your knowledge lived together as man and wife since that time?

A.- No-sir:

Q.- Please state what you know of the circumstances under which he left her?

A.- The day he left Etta he told me he was going to

to leave her and not live with her any more. Peter left and I have not seen him since and I do not know where he went. A few days after that I saw a bruised place on Etta Rigsby where she said Peter Rigsby had struck her.

And further this deponent sayeth not.

Ewell Britton
mar

Virginia, Lee County, to-wit:

I, W.K. Hopkins, a Commissioner in Chancery for the Circuit Court for Lee County, Virginia, do hereby certify that the above depositions of Etta Rigsby, Mima Long and Ewell Britton were duly taken, sworn to and subscribed before me on the 23, day of April, 1909, at the office of Charles C. Bales in Pennington Gap, Virginia.

Given under my hand this the 23, day of April, 1909.

W.K. Hopkins
Commissioner in Chancery.

Etta Rigby
vs. { Depositors
Peter Rigby

Received by mail in
good condition and filed
April 24, 1909.
W. C. T. Ewing
Clerk.

Etta Rigsby, Plaintiff,

vs.

Peter Rigsby, Defendant.

Va., Lee County, to-wit:-

This day personally appearde before me, Geo. W. Dillman, a Justice of the Peace for the county aforesaid, in the state aforesaid, Etta Rigsby, plaintiff in the above styled suit, who made oath before me that peter Rigsby, defendant in said suit, is not a resudent of this state.

Given under my hand this 26 day of March, 1909.

G. W. Dillman.....J. P.

Etta Rigby

vs. In Key Affidavit.

Peter Rigby

Filed April 1, 1909.

H. C. J. Ewing,

Clk.

In the Clerk's Office of the Circuit Court of the county of Lee, on the 1st
day of April, 1909

Etta Rigby,

against

Plaintiff

In Chancery

Peter Rigby,

Defendant

The object of this suit is to obtain a divorce, a vinculo mat-
rimonie.

And an affidavit having been made and filed that the defendant, Peter Rigby, is
not ^a resident of the State of Virginia, it is ordered that he do appear here within fifteen days
after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is
further ordered that a copy hereof be published once a week for four weeks in the Fannington
News and that a copy be posted at the front door of the Courthouse of this county as prescribed
by law.

A copy—Teste:

Chumblly & Bales, p. q.

W. C. Ewing, Clerk.
By M. Hanary, D.C.

Etta Rigby

vs. {

ORDER OF
PUBLICATION

Peter Rigby.

Virginia, Lee County, to-wit:

I, J. A. P. Ewing, Clerk of
the Circuit Court for the
County aforesaid, in the
State of Virginia, do cer-
tify that I posted a
true copy of the within
order of publication
at the front door of
the Court-house of said
County on this day.

Given under my hand,
on this the 1st day of
April, 1909.

J. A. P. Ewing,
Clerk.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting;

WE COMMAND YOU, That you summon

Peter Rigoby

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the *3rd* Monday in *April*, 190*9*, to answer a bill in chancery exhibited against *him*

in our said court by Etta Rigoby

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *1st*
day of *April*, 190*9*, and 1*33rd* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk

_____, Clerk

Etta Rigby

VS

}

SUBPENA
IN
CHANCERY

Peter Rigby

Chumley & Bales p. q.

To 2nd April Rules

Lee Circuit Court

1909.

In the Circuit Court for Lee County, Virginia.

Etta Rigsby, Plaintiff,

vs.

Peter Rigsby, Defendant.

ORDER OF PUBLICATION.

In the Clerk's Office of the Circuit Court of the county of Lee, on the 1st day of April 1909

Etta Rigsby, Plain. }
 against } In Chancery
Peter Rigsby, Def. }

The object of this suit is to obtain a divorce, a vinculo matrimonii.

And an affidavit having been made and filed that the defendant, Peter Rigsby, is not a resident of the State of Virginia, it is ordered that he do appear here within fifteen days after due publication hereof, and do what may be necessary to protect his interest in this suit And it is further ordered that a copy hereof be published once a week for four weeks in The Pennington News and that a copy be posted at the front door of the Courthouse of this county as prescribed by law.

A copy—Teste:

H. C. T. Ewing, Clerk

By M. E. Flanary, D. C.

Chumbley & Bales p. q.

I, W. K. Hopkins, editor and proprietor of the Pennington News, newspaper printed in the town of Pennington Gap, Lee Co., Va., do hereby certify that the foregoing order of publication was duly published in the said newspaper, for four consecutive weeks, from and after the 21 day of April, 1909.

W. K. Hopkins
.....,

Editor Pennington News.